

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT, PRESIDING

May 18, 1998

A. CALL TO ORDER

The May 18, 1998, meeting of the DeSoto County Board of Supervisors was called to order by Tommy Lewis, Board President.

James Albert Riley, the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Jessie Medlin-----District 1
Eugene C. Thach-----District 2
James D. Pearson-----District 3
John Caldwell-----District 4
Tommy Lewis-----District 5
W. E. ASluggo@ Davis-----Chancery Clerk
James Albert Riley-----Sheriff
Clovis B. Reed-----County Administrator
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor John Caldwell.

C. OLD BUSINESS

1. Appraisals on Church Road

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to hire Neal Appraisal Service to conduct the appraisals on Church Road. Supervisor Caldwell withdrew the motion to allow the County Administrator to find out charges for court time for Neal appraisals.

Later in the meeting, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve Neal Appraisal Service to do the appraisals on Church Road at \$250 per parcel with the first three (3) appraisals going to court to do so at no charge and subsequent time to be billed at \$50.00 per hour. The motion passed by a unanimous vote. **See Exhibit C.1.**

2. Contract – Dynamix (Technical Support)

Supervisor John Caldwell and Supervisor Eugene Thach seconded the motion to approve the contract with Dynamix for technical support for installation of the AS400 for a total of 112 hours at \$125.00 per hour totaling \$14,000.00 and travel expenses totaling no more than \$2,000.00. According to the terms of the contract, this estimate is not a fixed price commitment and bills will equal the actual hours worked times the hourly rate of \$125.00, plus actual expenses up to \$2,000.00. The **motion passed** by a unanimous vote. **See Exhibit C.2.**

Item C. Continued,

3. Appointment – MS Youth Summit

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to appoint Wayne Hill, 8363 Cedar Brush Drive, Southaven, MS, to serve on the Mississippi Youth Summit for a period of one (1) year. The **motion passed** by a unanimous vote. **See Exhibit C.3.**

4. Tax Assessor – Compliance Plan

County Administrator, Clovis Reed, explained that the Tax Assessor has his budget committed and says he cannot pay the fees in connection with the Compliance Plan for Mapping. Supervisor Eugene Thach asked if the Tax Assessor's budget had anything in it for mapping. The County Administrator responded that the Tax Assessor is using the money from his budget to hire another employee. The Budget Amendment for the Tax Assessor was discussed. Supervisor Eugene Thach said that all departments need to be responsible for budget planning. The County Administrator, Clovis Reed, said that the Tax Assessor, Parker Pickle, says that he could have gotten the Compliance Plan done cheaper.

Supervisor John Caldwell asked if the Planning Commission has funds in their budget for this expenditure. The County Administrator, Clovis Reed, said that he has reviewed the budget for both departments and feels sure he can find the money, but indicated the Planning Commission's budget is tight.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to pay one half of the bill for the Compliance Plan from the Tax Assessor's budget and one half from the Planning Commission's budget. The **motion passed** by a unanimous vote. **See Exhibit C.4.**

5. Lawn Care

The County Administrator, Clovis Reed, notified the Board of Supervisors that he has spoken to the Ethics Commission concerning contracting for lawn care with an Election Commissioner. The County Administrator said that the Ethics Commission will fax him a copy of their ruling today and he has been told that the Election Commissioners are a separate political authority and therefore, they can contract for lawn care. Further, the Ethics Commission says that on any items that the Election Commissioners have with the Board of Supervisors, the lawn contractor would need to notify the other Election Commissioners that he has a current contract with the County. If this was determined to be a conflict, he would have to recuse himself from the pending business.

Supervisor Eugene Thach said that Lowery Dean called him and said he was tired of fooling with our lawn care and withdraws his contract asking for pay for one half of the month of May. Supervisor Thach said that his resignation will be in a letter to the County Administrator. The County Administrator, Clovis Reed, said that Kenny Evans sent the letter to Mr. Dean and asked if anything had been done since February to the lawn. Clovis Reed said that DeSoto County Lawn and Tree is still interested in the contract under the terms set out by the Ethics Commission. The County Administrator said that there is no termination clause in the proposed contract, but it could be added in the Board Order and therefore, included in the terms of the contract.

The Board of Supervisors discussed the advantages of having the contract run from January to December. Supervisor John Caldwell asked if the contract could be approved until January.

Item C.4., Continued,

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to hire DeSoto County Lawn & Tree Service for cutting, spraying, trimming and total lawn care needs for County buildings as specified in the request for proposals for a period from May 18, 1998, through December 31, 1998, at a monthly fee of \$2,406.66. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to pay the Lawn Ranger for service for one half of the month of May. The **motion passed** by a unanimous vote.

D. NEW BUSINESS

1. Merritt Powell – Subdivision Approval (Minor Lot)

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve subdividing a 9 acre lot into 2 lots approximately 6 acres and 3 acres located on Highway 301 South of Green River Road at the recommendation of Merritt Powell of the DeSoto County Planning Commission. The **motion passed** by a unanimous vote.

2. Jim Flanagan – Tax Exempt Request **a. General Parts, Inc.**

Jim Flanagan, of the DeSoto Council and Phil Letting of Carquest appeared before the Board of Supervisors to request a 10 year Ad Valorem Exemption and Freeport Warehouse Exemption for Carquest. Phil Letting said that Carquest moved to DeSoto County last year from Memphis. Since then, they have hired several employees from Southaven and Horn Lake. Their productivity has been high and sales have been very good. In short, Mr. Letting said that everything has happened right since Carquest has moved to DeSoto County. They have become involved with the community and are delighted to be a part of DeSoto County.

Supervisor Eugene Thach asked how many DeSoto Countians Carquest employs. Phil Letting said 37 to 40 people in the Southaven/Olive Branch offices are from DeSoto County which represents 60 to 70% of their local employees.

Supervisor Eugene Thach verified that this is retail only and not distribution and asked the average salary for Carquest workers. Phil Letting responded \$9.08 per hour was the average pay, although this amount reflects some part time employees. Without those part time employees the average pay would be in the neighborhood of \$9.88.

Supervisor John Caldwell said that included on the list are items valued at less than \$1,000 that should be removed. Jim Flanagan said that is correct, but the list is within the guidelines set out by the State Tax Commission and those items can be removed when County approval is obtained.

Jim Flanagan, President of the DeSoto Council, said that Carquest has been one of the best sales tools in encouraging other companies to relocate to DeSoto County.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve Ten Year Ad Valorem Tax Exemption and Freeport Warehouse Tax Exemption for general parts with the understanding that items exempt should be valued at \$1,000 plus. The **motion passed** by a unanimous vote. **See Exhibit D.2.a.**

Item D., Continued,

3. Dale Thompson, Comptroller
a. Budget Transfer - Metro Narcotics

At the recommendation of the Comptroller, Dale Thompson, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve the budget transfer pursuant to Section 41-29-185 of the Mississippi Code of 1972, to transfer the following forfeited funds that were seized by Metro Narcotics:

Metro Narcotics Seized Funds	623 900 950
Metro Narcotics Forfeitures	105 000 384
for \$316 on Hazel Harmon case #12-0299-1-92	
for \$2,500 on Mark Owen Farris case #07-0150-1-94	
for \$650 on Brian Marvin Willis case #03-0388-1-93	
for \$644 on Eric Wayne Smith case #08-0194-1-92	
for \$168 on James E. Adams case #DC-0038-1-98	
for \$250 on Donnell K. Shipp case #DC-0037-1-98	
for \$245 on Nathan Jones case #DC-0044-1-98	
for \$251 on Kory Dider case #DC-0157-1-97	
for \$100 on Benjamin Deal case #DC-0157-1-97	
for \$1,394 on Thomas Owens case #DC-0030-1-98	
for \$138 ON Derek Cook case #DC-0041-1-98	
for \$291 on Cody Raburn case #DC-0042-1-98	
for \$675 on Winn Wilson Wallin case #DC-0046-1-98	
Total	\$7,622

The **motion passed** by a unanimous vote. **See Exhibit D.3.a.**

b. Budget Amendment – Justice Court (Two)

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. At the recommendation of the comptroller, Dale Thompson, Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the budget amendment for DeSoto County Justice Court as follows:

From:	001-166-523 \$1,000
To:	001-166-934 \$1,000
From:	001-166-60 \$ 500
To:	001-166-934 \$ 500

The **motion passed** by a unanimous vote. **See Exhibit D.3.b.**

c. Investment of Surplus Funds

In accordance with Section 19-2-29 of the Mississippi Code, which states that whenever any county shall have on hand any bond and interest funds, any funds derived from the sale of bonds, special funds, or any other funds in excess of the sums which will be required to meet the current needs and demands of no more than seven (7) business days, the Board of Supervisors of such county shall invest such excess funds.

Item D.3.c., Continued,

At the recommendation of the Comptroller, Dale Thompson, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the investment of surplus funds to Trustmark National Bank for \$800,000.00 142 days, at 5.189% interest to mature on September 25, 1998 and Deposit Guaranty for \$2,817,000.00 for 29 days at 5.319% interest to mature on September 25, 1998. The **motion passed** by a unanimous vote. **See Exhibit D.3.c.**

d. Budget Amendment – Extension Service

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. At the recommendation of the comptroller, Dale Thompson, Supervisor Tommy Lewis made the motion and Supervisor Jake Pearson seconded the motion to approve the budget amendment for DeSoto County Extension Service as follows:

From:	001-631-933	\$150.00
To:	001-631-605	\$150.00

The **motion passed** by a unanimous vote. **See Exhibit D.3.d.**

e. Funding for Appointment for Part-time Public Defender

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Order appointing the part-time Public Defender known as Joseph E. Carney to fill the office of part-time Public Defender for DeSoto County at a salary of \$10,605.00 and \$3,600.00 office expenses per year as presented by Circuit Court Judge Andrew Baker. The **motion passed** by a unanimous vote. **See Exhibit D.3.e.**

4. Property Insurance

The County Administrator, Clovis Reed, presented bids for property insurance for DeSoto County. Mr. Reed noted that Gallaghers presented a proposal which has not changed from date of receipt in the amount of \$193,959.00 for fully insured coverage; CNA presented a proposal in the amount of \$246,420.00; and, Titan presented a proposal in the amount of \$327,740.00. CNA and Titan revised their proposals as follows: CNA \$226,910.00; and, Titan \$295,000.00. This morning before the Board meeting, Titan again reduced their proposal to \$167,000.

Supervisor John Caldwell asked why we would even consider a bid this late.

Supervisor Jessie Medlin suggested taking a sealed bid next year.

Supervisor Tommy Lewis said the contracts need to be reviewed to determine after deductibles which is the lowest bid. The Comptroller, Dale Thompson, said that one company was not able to submit a bid because they could not meet the original proposal deadline of April 18th.

Supervisor Jessie Medlin asked what the cost paid last year totaled. The Comptroller said that the County paid \$249,900.00 last year and \$295,676.00 the year before. The County Administrator compared the cost of deductibles and other costs associated with both plans and determined Gallagher to be the best policy for DeSoto County.

Item D.4., Continued,

Supervisor John Caldwell asked who the bids were supposed to go to. The Comptroller

said they should have come to her. The County Administrator, Clovis Reed, said that he and Ms. Thompson discussed the proposals received and the agents had said they wanted to talk to the County Administrator. Otherwise, they wanted to talk to the Board of Supervisors concerning negotiating their bids.

Supervisor Tommy Lewis asked if this low bid was retroactive. Mr. Reed and Ms. Thompson responded that the bid is retroactive to 1995. The Comptroller said that they will cover any claims that we let them know that may be pending or that there is a possibility of them pending. The Comptroller asked the Board Attorney to identify any such claims for her to present to Gallagher.

The Board discussed negotiating bids and the benefits to the County to do so. Supervisor John Caldwell said that he does not mind negotiating, but we don't need to let the other proposers bids out.

Supervisor Jessie Medlin asked how long the proposers had to get the bids in. Dale Thompson said they were contacted in January.

The bids were compared and it was determined that Titan was higher on deductible for EMT's liability, Public officials liability, and law enforcement liability. They are lower on deductibles for Auto comprehensive and collision. There was no difference in coverage from the original proposal and revised. CNA is higher on deductible for EMT's liability, public officials liability, law enforcement liability, crime and inland marine. They have the same deductible on property and auto collision. There was no difference in the coverages from the original proposal and revised.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion that based on the comparison of deductibles and premiums and at the recommendation of the County Administrator, to accept the proposal from Gallagher for property insurance in DeSoto County in the amount of \$196,799.00 per year for two (2) years. The **motion passed by a unanimous vote.**

5. Making Fully Executed Contract With Coahoma Electric Power Part of the Minutes

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to make the fully executed contract with Coahoma Electric Power Association in DeSoto County for service at the Walls Library a part of the minutes. The **motion passed** by a unanimous vote. **See Exhibit D.5.**

6. Authorization to Advertise for Secretary at the County Extension Service

The County Administrator, Clovis Reed, presented a letter from Extension Home Economist, Martha Gatlin, stating that Cindy Rogers has resigned her position as County Extension Secretary effective May 25th, and requesting authorization to hire a new secretary as soon as possible at the same rate of pay. Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to approve the DeSoto County Extension Service hiring a secretary to replace Cindy Rogers at the same rate of pay as requested. The **motion passed** by unanimous vote. **See Exhibit D.6.**

Item D., Continued,

7. Disposition of Unclaimed Body

The County Administrator, Clovis Reed, presented a bill from the DeSoto County Coroner's Office for cremation and transportation of an unclaimed body of Jorge Garcia

totaling \$475.00. The County Administrator notified the Board of Supervisors that the DeSoto Coroner, Jeffery Pounders, had called to find the best and most cost effective arrangement for handling this unclaimed body. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve paying the bill of \$475.00 in connection with the unclaimed body of Jorge Garcia. The **motion passed** by a unanimous vote. **See Exhibit D.7.**

8. Approval of Sole Source Purchase for NCIC Software for Sheriff's Dept.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the sole source purchase for NCIC for software for the DeSoto County Sheriff's Department as requested subject to the Board Attorney's approval. The **motion passed** by a unanimous vote. **See Exhibit D.8.**

9. Request for Donation for Netisha Latrice Reynolds to Participate in the America's Homecoming Queen, Inc.

Ms. Vivian Johnson appeared before the Board of Supervisors on behalf of Netisha Latrice Reynolds requesting help from the Board of Supervisors to participate in America's Homecoming Queen, Inc. and represent DeSoto County in this contest. Ms. Vivian Johnson told the Board of Supervisors that in return for their sponsorship, their name will appear in the State Program Book. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to donate \$250.00 to Netisha Latrice Reynolds to represent DeSoto County in the America's Homecoming Queen, Inc., contest. The **motion passed** by a unanimous vote. **See Exhibit D.9.**

10. Resolution of Appreciation – Deputy Charles Sharpe

DeSoto County Fire and EMS Director, Bobby Storey, presented a letter commending the efforts of Deputy Charles Sharpe in a recent traffic accident in DeSoto County. According to Mr. Storey, Mr. Sharpe climbed into a burning vehicle to bring a baby out of the car and out of harm's way. This act of heroism was above and beyond the call of duty for Mr. Sharpe and his efforts likely saved the life of the child. Supervisor Jake Pearson made the motion and Supervisor Eugene Thach seconded the motion to approve a Resolution of Appreciation for Deputy Charles Sharpe for his dedication to the citizens of DeSoto County and for his representation of DeSoto County Sheriff's Department. The **motion passed** by a unanimous vote. **See Exhibit D.10.**

11. Roads

Supervisor John Caldwell notified the Board of Supervisors that the County Engineer, Daniel Murphy, has said he is ready to advertise for improvements to Horn Lake Road from Goodman to Nail Road. Supervisor Caldwell explained that the road will be three (3) lanes except in front of the school and only a 100 foot stretch of the road will have curb and gutter except where developers have added curb and gutters in front of the developments. Supervisor Tommy Lewis asked if Meadow Oaks is part of it. Supervisor John Caldwell said yes. Supervisor Tommy Lewis said that the County **Item D.11, continued,**

should not install curb and gutter where a development is certain to be built. Supervisor Jessie Medlin asked if the County could develop this and bill the developer back for the cost. The Board Attorney, William Austin, said in his opinion, the County cannot and agreed with Supervisor Lewis that the Board of Supervisors has already approved Section A of Meadow Oaks. The Board of Supervisors discussed how right of ways

could be acquired for the part of the road not in controversy. Supervisor John Caldwell said the road needs to be improved. No motions were made nor votes taken on this portion of the meeting.

E. EXECUTIVE SESSION

The Executive Session of the minutes is included in the portion of minutes called “Executive Session”.

F. Other Issues

1. Homesteads

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Homesteads as presented by the Chancery Clerk, W.E. “Sluggo” Davis. The **motion passed** by a unanimous vote. **See Exhibit I.1.**

2. Jail Improvements

Supervisor Tommy Lewis asked for an update of the Architect in charge of jail improvements. The County Administrator, Clovis Reed, said there was a meeting last week and there were no reported problems at the time of that meeting. Supervisor Tommy Lewis asked when the County will be ready to advertise. The County Administrator responded that Allen & Hoshall has eight (8) weeks to complete their responsibilities for the jail improvements and they are about four (4) weeks into the project.

Supervisor Tommy Lewis asked for an update on installation of beds at the jail. Jim Bearden, Director of Operations and Maintenance, was called to the meeting and notified the Board of Supervisors that the beds were in and should be installed soon. The Board of Supervisors discussed the benefits of having the Architect look at the beds and determine if they meet state guidelines and possibly to recommend correct placement of the beds. No motions were made or votes taken on this portion of the meeting.

3. Overlay

Supervisor John Caldwell made the motion to advertise for the 1999 overlay contract. After discussion by the Board of Supervisors, Supervisor Caldwell withdrew his motion and requested this item be held over.

4. Waste Disposal Contract

Supervisor Tommy Lewis reminded the Board of Supervisors that the contract with BFI expires December 1999. The Board discussed that this contract should be advertised well in advance and with careful thought given to the specifications therewith. Supervisor Lewis said that the Board of Supervisors needs to think about what the County needs. Supervisor Lewis said that we need to develop a good contract. Supervisor Lewis suggested including such items as requirements that cans be left off the street and suggested addressing the pick up of leaves and brush.

Item F.4, Continued,

Supervisor Jessie Medlin said the Board of Supervisors should consider buying a gravel pit and mining any unused gravel from the pit and then using the pit for a landfill.

Supervisor Tommy Lewis asked for a committee to address the issue and work up specifications in the best interest of DeSoto County. The Board of Supervisors

discussed interest in other avenues for waste disposal.

Supervisor Tommy Lewis asked when the disposal contract comes up. The County Administrator said it expires in 2001 and the collection contract expires December 31, 1999. No motions were made or votes taken on this portion of the meeting.

5. DeSoto County Arson Dog

Mike Hancock of the DeSoto County Fire Department, gave a presentation of the qualifications and introduced the DeSoto County Arson Dog to the Board of Supervisors.

6. Parks

Supervisor John Caldwell notified the Board of Supervisors that he will meet with the Park representatives in Southaven to discuss the needs of DeSoto County in the DeSoto County Parks. Supervisor Caldwell said that if any of the Supervisors they wanted to include, he will be happy to invite them to the meeting. Supervisor Tommy Lewis asked if Supervisor Caldwell was going to talk to the Park Commission members. Supervisor Caldwell said he will be happy to do so. No motions were made or votes taken on this portion of the meeting.

7. Comptroller Request to Meet with Investors

The Comptroller, Dale Thompson, notified the Board of Supervisors that she had received a phone call requesting a meeting concerning investments. The Comptroller explained to the requester that the County invest funds locally. The requester said that he had notified the Auditor's office and was told the Comptroller should meet with him. The Comptroller requested clarification that the Board wanted to invest money locally. The Board of Supervisors agreed they do.

8. Meadow Oaks – Section A

Merritt Powell, Director of the DeSoto County Planning Commission, presented a draft of the minutes concerning Meadow Oaks – Section A. Mr. Powell said that errors had been identified and corrected in the minutes and requested the Board members to review the draft and notify his office of any corrections that need to be made.

Merritt Powell said he recommends buying a stenographer's copy of the minutes and entering it into the Board Minutes. The Board of Supervisors asked the Board Attorney to check on the cost to do so.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to have the Board Attorney check into getting a Court Reporter's copy of the portion of the meeting concerning the development of Meadow Oaks up to \$500.00. The **motion passed** by a unanimous vote.

Item F., Continued,

9. Subdivision Road and Inspection Procedure

Merritt Powell, Director of DeSoto County Planning Commission, notified the Board of Supervisors that Jim Ivy, the Subdivision Inspector, has had a problem getting a timely and consistent road inspection procedure in place. Mr. Ivy has drafted a policy for the Board's review. If the Board of Supervisors agrees with the policy he is requesting adoption of same to be sent to all engineers and developers. Supervisor John Caldwell

asked about requiring delivery tickets daily. Merritt Powell responded that the intent was to get the daily tickets, although they do not have to be turned over on a daily basis.

10. Personnel – Planning Commission

At the recommendation of Merritt Powell of the DeSoto County Planning Commission, Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize extending the contract for the summer for Scott Boyce to continue working in the DeSoto County Planning Commission. The **motion passed** by a unanimous vote.

11. Authorization to Open Bids

Supervisor Jake Pearson made the motion and Supervisor John Caldwell seconded the motion to authorize the County Administrator to open bids for the Administration Building on Thursday, May 28, 1998 and to open bids for three trucks; dump truck, lube truck and boom truck and the 1998 Overlay Contract on May 26, 1998. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jake Pearson seconded the motion to adjourn until June 1, 1998. The motion passed by a unanimous vote.

THIS the 18th day of May, 1998, these minutes have been read and approved by the DeSoto County Board of Supervisors.

TOMMY LEWIS, President
DeSoto County Board of Supervisors